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Disarmament Commission

358th meeting

Tuesday, 5 April 2016, 3 p.m.

New York

Chair: Mr. Tevi ..... (Vanuatu)

The meeting was called to order at 3.05 p.m.

General debate (*continued*)

Mr. Jiménez (Nicaragua) (*spoke in Spanish*): The delegation of Nicaragua is pleased to congratulate you, Mr. Chairman, on your election and wish you every success in your chairmanship. We also wish to congratulate the other members of the Bureau on their election. My delegation aligns itself with the statements delivered by the representatives of Indonesia on behalf of the Non-Aligned Movement (see A/CN.10/PV.355) and the Dominican Republic on behalf of the Community of Latin American and Caribbean States (see A/CN.10/PV.357).

Our delegation supports the work and efforts of the Disarmament Commission, whose in-depth deliberations on specific disarmament issues, with a view to issuing concrete recommendations for consideration by the General Assembly, must remain relevant. Nicaragua has affirmed before the international community the importance of making further progress towards the goal of a total and complete disarmament that includes not only nuclear weapons but other conventional weapons of mass destruction, the use of which runs counter to the fundamental principles of international law and international humanitarian law.

In that regard, we welcome resolution 68/32 on the follow-up to the high-level meeting of the General Assembly on nuclear disarmament, which declares 26 September as the International Day for the Total Elimination of Nuclear Weapons, an initiative of the Non-Aligned Movement. At the same time, the resolution mentions the convening of a high-level international conference on nuclear disarmament no later than 2018. By doing so, our countries attain their goal of intensifying the call on States to commence negotiations on a convention with a specific timeline for the prohibition and total elimination of nuclear weapons.

Nicaragua calls for the adoption, evaluation and review of resolutions and declarations on the subject of nuclear disarmament and non-proliferation of nuclear weapons in order to make progress towards containing the arms race and to seek measures that will lead to the complete elimination of nuclear weapons under an effective and transparent system of international control. That is why, at the seventieth session of the General Assembly, our delegation supported and co-sponsored relevant resolutions on the humanitarian consequences of nuclear weapons (resolution 70/47), the humanitarian pledge for the prohibition and elimination of nuclear weapons (resolution 70/48), the ethical imperatives for a nuclear-weapon-free world (resolution 70/50) and the Universal Declaration on the Achievement of a Nuclear-Weapon-Free World (resolution 70/57).

Our delegation also co-sponsored resolution 70/33, convening an open-ended working group of all Member States. We are therefore fully committed to its mandate to contribute and consider measures, including specific legal provisions, through the adoption of a legally binding instrument on the prohibition and elimination of nuclear weapons. Our delegation supports the work of an open-ended working group for the fourth special session of the General Assembly devoted to

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disarmament. We also support efforts to prioritize humanitarian concerns in the discussion on nuclear weapons. Our country is one of the 127 signatories of the humanitarian initiative. All of these efforts and processes must be harnessed, along with the work of this Commission, if we hope to achieve a nuclear-weapon-free world someday.

Nicaragua regrets that some countries blocked consensus on the adoption of the final document of the ninth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The failure of that Conference undermines the disarmament machinery and multilateral efforts to create a nuclear-weapon-free world, affecting their credibility and confidence in them. The international community requires concrete actions, in particular, the nuclear-weapon States' immediate implementation of their commitments under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, the 13 practical steps for nuclear disarmament agreed upon in 2000 and the action plan on nuclear disarmament adopted in 2010.

We applaud and welcome the agreement between the E3+3 and Iran and its contribution to international peace and security. We respect the inalienable right of all States to research, produce and use nuclear energy for peaceful purposes, without discrimination, in accordance with the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons. As a member of the first nuclear-weapon-free zone under the Treaty of Tlatelolco, Nicaragua firmly believes that the establishment of nuclear-weapon-free zones — an important contribution to nuclear disarmament — will strengthen the non-proliferation regime as well as international peace and security.

In that regard, we regret the failure to uphold the agreement to convene in 2012 an international conference for the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East. We recall that the convening of that conference was an important and integral part of the final outcome of the 2010 NPT Review Conference. We therefore urge the parties to convene that conference as soon as possible.

Nicaragua believes that outer space is the common heritage of humankind and that it should therefore be used for peaceful and civilian purposes. That is why our country is committed to and finds it necessary to develop and implement international transparency and confidence-building measures governing the peaceful uses of outer space. In that regard, we support the proposals that have been made at this meeting to establish a working group to prepare recommendations to that end. With regard to practical confidence-building measures in the area of conventional weapons, we welcome measures that contribute to international peace and security. Such measures must be taken in strict compliance with the purposes and principles of the Charter of the United Nations and in a manner that respects the specific concerns and security of States. Neither should they constitute an alternative to disarmament.

My country is committed to and is taking appropriate measures to prevent, combat and eradicate illicit trafficking in weapons. Aware of those commitments, Nicaragua has incorporated the programme of action and the international instrument on the tracing of weapons into domestic legislation through Special Act 510, thereby launching a phase of rigorous, relentless monitoring and registration of firearms in the hands of civilians. We affirm our commitment to continuing to make progress on those issues at the sixth biennial meeting on the Programme of Action, to be held in June of this year.

Nicaragua proudly welcomed the historic formal proclamation of Latin America and the Caribbean as a zone of peace on 29 January 2014. However, we regret that the President of the United States of America recently renewed yet again the unacceptable executive order — which is an infringement of the sovereignty and international rights of peoples — declaring the people and Government of the Bolivarian Republic of Venezuela a threat to national security. We reject the executive order and demand that it be reversed. In turn, we call on the United States to respect the sovereignty of our peoples.

We have pointed out the stagnation in the mechanism on many occasions; however, we have not been able to solve the real problem, which is the lack of political will on the part of some States to achieve real progress, particularly in the area of nuclear disarmament. It is in such complex conditions that we in this Commission must work and continue to build a peaceful world. It is never too late if we are willing to change things.

Mr. Gallhofer (Austria): Mr. Chairman, we look forward to continuing our work, guided by your

excellent chairmanship and the excellent chairmanships of the two Working Group Chairs, to allow the Disarmament Commission to live up to its mandate as set out by the first special session on disarmament by building on the concrete progress achieved in other forums and agreeing on concrete recommendations to be submitted to the General Assembly. Austria would welcome an invitation to the United Nations Institute for Disarmament Research to provide relevant expertise, for example, by video link, as provided for in resolution 61/98.

Austria remains fully committed to making substantive progress in all relevant disarmament forums, especially in the General Assembly, pursuant to Article 11 of the Charter. As the Commission is aware, deliberations on nuclear disarmament have gained significant momentum in recent years. Based on the outcome of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the humanitarian initiative on the impact of and the risks associated with nuclear weapons has provided a set of arguments in favour of urgent progress on nuclear disarmament and of moving away from a nuclear-weapons-based security system.

The humanitarian pledge builds upon those arguments, draws the conclusions that should be drawn from the new evidence and formulates a different set of priorities. It stipulates that humanitarian concerns should be at the centre of all deliberations, obligations and commitments with regard to nuclear disarmament. It underscores the importance of the protection of civilians against risks stemming from nuclear weapons and lists a number of interim measures to reduce the risk of nuclear weapons detonations. Finally, it highlights the urgent need to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons in the light of the unacceptable humanitarian consequences and risks associated with nuclear weapons.

Those conclusions were supported by more than two-thirds of the membership of the General Assembly when it adopted resolutions 70/47, on the humanitarian consequences of nuclear weapons, and 70/48, on the humanitarian pledge, at its seventieth session late last year. The ethical dimension and the need for further progress were underscored by resolution 70/50, on ethical imperatives for a nuclear-weapon-free world, and resolution 70/33, on taking forward multilateral nuclear disarmament negotiations, both of which commanded the same level of support. The latter established the currently active Open-ended Working Group in Geneva.

Those overwhelming majorities demand progress that should also be reflected in the deliberations of the Commission and in the recommendations we are tasked to provide to the General Assembly. Proposals that are progressive in name only and that, in fact, merely aim to extend the status quo or that even allow nuclear arsenals to be strengthened by modernization will no longer suffice, especially at a time when we face potential backsliding in disarmament. As former Secretary-General Kofi Annan put it during the February 2016 session of the Open-ended Working Group on taking forward multilateral disarmament negotiations,

> "[N]uclear-armed States are actually modernizing their nuclear arsenals and are developing new types of weapons, which overshadow the limited progress on nuclear disarmament made in recent years".

We look forward to constructive discussions aimed at agreeing on a truly progressive text that reflects developments and the General Assembly's clearly voiced expectations. In the interest of time, I refer members to our full statement, which we made available in writing, for our well-known position on nuclear energy, which we have already stated last year. I will also shorten my statement on the conventional weapons aspect; that will also be made available in writing in full through the Secretariat.

In the area of conventional weapons, we value the contribution that practical confidence-building measures can make to maintaining and enhancing regional and international peace and security. The 2014 report of the Chair of the Working Group was therefore welcome progress, even though the Disarmament Commission was unable to agree to forward it to the General Assembly. For the current cycle, we continue to advocate for consideration of explosive weapons and their devastating effects on the civilian population. We warmly welcome the entry into force on 24 December 2014 of the landmark Arms Trade Treaty and continue to work to advance its universalization, implementation and effectiveness.

Lastly, allow me to underline the importance Austria attaches to the conventions prohibiting anti-personnel mines and cluster munitions. In conclusion, allow me to express once more my hope that the Commission can overcome its deadlock, achieve concrete progress

and issue recommendations, in accordance with its mandate. We encourage the Commission to continue to seek ways to improve its working methods and make its deliberations more constructive and focused.

Mr. Dehghani (Islamic Republic of Iran): At the outset, I would like to congratulate you, Sir, on your election to the chairmanship of the Commission and to wish you success in discharging this responsibility.

My delegation associates itself with the statement made by the representative of Indonesia on behalf of the Non-Aligned Movement (see A/CN.10/PV.355).

Like many other non-nuclear-weapon States, Iran is extremely concerned by trends and developments in the area of nuclear disarmament. No tangible progress has been made towards fulfilling nuclear disarmament obligations under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). As a result of the opposition of the United States and the United Kingdom, which are depositaries of the NPT, the 2015 NPT Review Conference could not conclude with a substantive final document. They blocked consensus and damaged the NPT review process, not for national security reasons, but rather for the sake of defending the nuclear weapons programme of Israel, a State not party to the NPT.

Moreover, there is no promising indication that nuclear-weapon States are contemplating the total elimination of their nuclear weapons, even in the long term. Sizable budgets are being devoted to nuclear arsenal modernization programmes in the United States and the United Kingdom. In obvious non-compliance with its nuclear disarmament commitments, the United States has begun a $1-trillion modernization and replacement plan, under which all its nuclear weapons are to be replaced by new nuclear weapons with new capabilities and missions. By doing so, it risks setting off a new nuclear arms race.

It is imperative in all circumstances that nuclear-weapon States comply with their legal obligations under article VI of the NPT and their unequivocal commitment to accomplishing the total elimination of their nuclear weapons. We reject attempts to subject compliance with nuclear disarmament commitments to self-defined conditions. If not stopped, non-compliance with nuclear disarmament obligations will gradually erode trust in the NPT. Nuclear-weapon States relentlessly insist on a gradual and incremental approach to nuclear disarmament without implementing their nuclear disarmament commitments agreed upon at the 2000 and 2010 NPT Review Conferences.

With the exception of a few nuclear umbrella States, the non-nuclear-weapon States are deeply frustrated with the consequences of the existing piecemeal approach to nuclear disarmament. The so-called step-by-step approach has failed to deliver on its promises and has brought us to today's unfortunate circumstances, in which there are still thousands of nuclear weapons that threaten to annihilate humankind. These inhumane weapons are associated with war plans that could entail their use under certain circumstances.

The continued lack of political determination to abandon doctrines and strategies of nuclear deterrence and balance of nuclear terror — which might have made sense only under an outdated and erroneous security paradigm — lies at the core of the predicament that we face today in the area of nuclear disarmament. It is imperative that we change this dangerous and erroneous security paradigm and move towards a better, safe and fair arrangement. It is time for the haves to come to terms with the reality that we live in a globalized security environment.

We believe that negotiating a comprehensive convention on nuclear weapons is one of the most effective and practical ways to achieve the abolition of nuclear weapons and sustain a world free of nuclear weapons. Similar comprehensive approaches succeeded in bringing about the elimination of entire categories of biological and chemical weapons, which initially looked unfeasible and very ambitious but that was finally achieved thanks to genuine political will. Iran fully supports the Non-Aligned Movement's proposal for the Conference on Disarmament to commence negotiations on a comprehensive nuclear weapons convention.

Iran has been consistent in its push to establish a nuclear-weapon-free zone in the Middle East. However, by obstructing all international and regional efforts to fulfil this goal, Israel remains the only impediment on the road to establishing a nuclear-weapon-free zone in the Middle East. Israel's refusal to abandon its nuclear weapons and accede to the NPT has increased the potential for the proliferation of weapons of mass destruction in the Middle East. We have consistently called for the non-proliferation norm to be applied globally and without exception. Nuclear proliferation is as dangerous in the Middle East as it is in other parts of the world.

The application of double standards has to be abandoned. Israel's possession of nuclear weapons is clearly the result of the application of double standards by certain nuclear-weapon States and their failure to abide by the very non-proliferation norm that they helped establish and are legally committed to comply with and invariably enforce. The prospects for the establishment of a nuclear-weapon-free zone in the Middle East will be enhanced when certain nuclear-weapon States abandon their unconstructive policy of exempting Israel from accession to the NPT.

It is one of the great ironies of the history that Israel, which has flouted all international norms and agreements governing weapons of mass destruction, has received not only acquiescence but actual material support and assistance for its weapons of mass destruction programmes from certain nuclear-weapon States, including France. This constitutes a real case of proliferation of nuclear weapons, with far-reaching implications for the security and stability of the Middle East region.

In conclusion, I hope that our deliberations in this Commission will contribute to upholding and strengthening norms, principles, obligations and commitments relating to nuclear disarmament. My delegation is prepared to work constructively with other delegations to achieve substantive outcomes at the end of this cycle of the Commission. We know very well that fulfilling our mandate successfully will be a challenging task. Along the way, it will likely face many hurdles created by those skeptical of peace and diplomacy.

However, we should keep in mind that the successful conclusion of painstaking negotiations between the Islamic Republic of Iran and P5+1 countries, which resulted in the Joint Comprehensive Plan of Action in July 2015, proved that with serious and sustained negotiations based on a mutually beneficial approach, a diplomatic solution to the most technically and politically complex issues can be within reach even at a difficult time for international security.

The Chairman: We have just heard the last speaker on the list. We have thus concluded the general exchange of views.

I shall now call on those representatives who wish to speak in exercise of the right of reply. In this connection, I would like to remind delegations that the number of interventions in the exercise of the right of reply for any delegation on any item at a given meeting is limited to two, and that the first intervention should be limited to ten minutes and the second intervention should be limited to five minutes.

Mr. Ilichev (Russian Federation) (*spoke in Russian*): While we do not wish to get into an argument with the Ukrainian delegation, we would nevertheless like to make a number of comments on the status of nuclear facilities in the Crimea.

Acting in a spirit of openness and cooperation, Russia has notified the International Atomic Energy Agency (IAEA) secretariat of the status of nuclear facilities in the Republic of Crimea and Sevastopol and included them on the list of peaceful facilities where the IAEA safeguards agreement applies, in compliance with the safeguards agreement between our country and the Agency. Therefore, the situation is in full compliance with relevant international law.

We would like to point out that all nuclear facilities and materials in Crimea and Sevastopol and throughout the Russian Federation are under the appropriate control of the Russian regulatory body. All necessary nuclear and physical security measures are applied to them, pursuant to Russian legislation and to the commitments undertaken by the Russian Federation.

With regard to the application of IAEA safeguards to the Sebastopol facilities, we note that our country, as a nuclear-weapon State under the Treaty on the Non-Proliferation of Nuclear Weapons, has concluded a voluntary safeguards agreement with the IAEA. On 26 March 2014, the IAEA secretariat was notified by Russia that, as of 18 March 2014, the Republic of Crimea and the city of Sevastopol, as subjects of the Russian Federation, were subject to measures under the agreement of 21 February 1985 between the former Union of Soviet Socialist Republics and IAEA, as well as the additional protocol of 22 March 2000.

In its note of 7 July 2014, Russia notified the IAEA secretariat of the inclusion of two nuclear facilities of the Sevastopol National University of Nuclear Energy and Industry — the IR-100 research reactor and a subcritical uranium assembly — on the list of nuclear facilities of the Russian Federation subject to IAEA safeguards. In so doing, the IAEA secretariat has every opportunity to apply its safeguards to those Russian nuclear facilities.

I take this opportunity to voice our concerns about the situation in Ukraine. There are 15 active energy reactors in the country, in addition to the closed Chernobyl atomic station and a significant number of other nuclear facilities containing nuclear and other radioactive materials. The Ukrainian authorities have announced an experiment in high-scale loading of fuel in energy reactors that has not been approved by their own nuclear fuel producers. Such fuel has already encountered problems in the reactors in Ukraine and other countries. Moreover, experiments are being planned for wide-range manoeuvring of reactor capacity. We doubt that the reactors will withstand such an operating regime, which has been fraught with nuclear incidents, and even full-scale accidents, that cannot but cause serious concern.

We are also concerned by the fact that the armed groups under Kiev's control continue their shelling of civilian facilities in the territory of Donbas. Their targets include hospitals, in which there are radioactive medical sources. There are also reports of Ukrainian shells falling into a major radioactive waste disposal facility in the Donbass. These are all sources of major concern for us.

Mr. Leschenko (Ukraine): We have nothing to add in response to the remarks of the representative of the Russian Federation at this stage. In our statement delivered yesterday, we highlighted our issues of concern in the sphere of nuclear disarmament and non-proliferation and conventional arms control, in particular with relation to the current situation in the occupied territories of Ukraine. Without getting into the details, all we know is that, against the backdrop of annexation by the Russian Federation of part of our territory and ongoing aggression of the east of our country, the allegations just made by the delegation of the Russian Federation appear groundless.

The meeting rose at 4.40 p.m.